

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18041 of 2004

Between:

M. Venkateswarlu,

S/o. China Subba Rao,
S. Lingotam PACS,

Nampally Mandal,

Nalgonda District.

..... PETITIONER

AND

1 The District Cooperative Central Bank Ltd.,

rep., by its General Manager,

Nalgonda,

Nalgonda District.

2 The S. Lingotam PACS,

rep., by its Chairman/PIC.,

Nampally Mandal,

Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents in keeping the petitioner under suspension vide proceedings Rc.No. Adm/A6/F104/94-95, dated 25-6-2001 on the file of the 1st respondent and continuing him under suspension without paying subsistence allowance is highly illegal, arbitrary and violative of Art.14 and 21 of the Constitution of India and contrary to Section 47 of the A.P.

Shops and Establishment Act apart from contrary to the Circular of the Registrar of Cooperative Societies vide proceedings Rc.No. 34483/85 C2B, dated 12-2-1987.

Counsel for the Petitioner: Mr. G.V.SHIVAJI

Counsel for the Respondents: Mr. T.AMARNATH GOUD

The Court made the following ORDER:

The petitioner is a paid Secretary of the 2nd respondent Society. He was kept under suspension on 25-6-2001 by initiating an enquiry against him on the ground of misappropriation of funds of the Society to a tune of Rs.28,500/- The grievance of the petitioner is that he was not paid the subsistence allowance during the period of his suspension. The order of suspension was not reviewed at any time after completion of six months period and no progress was made in the enquiry till now. The petitioner, therefore, approached this Court seeking to declare the order of the 2nd respondent keeping the petitioner under suspension through the proceedings Rc.No.Adm/A6/F104/94-95 dated 25-6-2001 and continuing the suspension without paying the subsistence allowance, as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India.

In the light of the circumstances explained by the petitioner, the 2nd respondent is directed to pay the subsistence allowance, if not paid till now, to the petitioner for the entire period of suspension and continue to pay the subsistence allowance as long as the suspension continues. The 1st respondent is directed to review the order of suspension, whether it can be continued indefinitely as per the circular of the Registrar of Co-operative Society vide Rc. No.34483/85 C2B dated 12-2-1987 and pass appropriate orders within four weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of.

(Dr. G.YETHIRAJULU,J)

6th October, 2004.

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To

1 The General Manager,
The District Cooperative Central Bank Ltd.,
Nalgonda,
Nalgonda District.

2 The Chairman/PIC.,
The S. Lingotam PACS,
Nampally Mandal,
Nalgonda District.

3 Two CCs to the GP for Transport, High Court of A.P.,
Hyderabad (O.U.T.)

4 Two CD Copies.